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President:	Mr. Parham	(United Kingdom of Great Britain and Northern Ireland)
Members:	Austria	Mrs. Nguyen
	Bosnia and Herzegovina	Ms. Kuljanin
	Brazil	Mr. Vargas
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	Nigeria	Ms. Nwokonko
	Russian Federation	Mr. Chernenko
	Turkey	Mr. Sevi
	Uganda	Mrs. Kafeero
	United States of America	Mr. Donegan

Agenda

Protection of civilians in armed conflict

Report of the Secretary-General on the protection of civilians in armed conflict (S/2010/579)

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The meeting resumed at 3.05 p.m.

The President: I wish to remind all speakers to limit their statements to no more than four minutes in order to enable the Council to carry out its work expeditiously.

I now give the floor to the representative of Liechtenstein.

Mr. Sparber (Liechtenstein): Since the Security Council first took up the issue of protection of civilians, the changing nature of armed conflict has continued to have a profound impact on the situation of civilians in armed conflict. The Council took an important step forward through the adoption of resolution 1894 (2009), with its focus on humanitarian access and protection mandates as well as monitoring and reporting. We also welcome the establishment of the Security Council informal Expert Group on the Protection of Civilians, as well as the growing emphasis on benchmarks and clearer protection language in country-specific decisions of the Council. It is clear that the Council has paid greater attention to this topic in the recent past.

To track progress in implementation, the development of indicators for systematic monitoring and reporting on the protection of civilians in armed conflict by the Emergency Relief Coordinator would be helpful. When included in protection benchmarks, such indicators could help us to assess the effectiveness of peacekeeping missions and identify remaining gaps and challenges.

In spite of the Council's stronger engagement, the latest report of the Secretary-General (S/2010/579) reveals the continued gap between the normative advances and realities on the ground. To better protect civilians and ease their plight, we must urgently enhance compliance with international law by State and non-State actors, continue to empower United Nations peacekeeping operations to better implement their protection mandates, improve humanitarian access, and enhance accountability for violations of international humanitarian law.

Among the core principles of international humanitarian law are the distinction between combatants and non-combatants, proportionality of the use of force, and the imperative to take all feasible measures to minimize civilian casualties. Violations of these rules, such as the use of weapons of indiscriminate effect in densely populated areas and the denial of humanitarian access, warrant a clear response from the Security Council. The Council must call for compliance with international humanitarian law by all parties to a conflict and ensure accountability in cases where massive and systematic violations have occurred. Where violations of international humanitarian law routinely go unpunished, a climate of impunity will prevail and lead to further violations.

We agree with the Secretary-General that accountability mechanisms should first and foremost be established at the national level. This is in line with the principle of complementarity enshrined in the Rome Statute of the International Criminal Court, which reaffirms the primary responsibility of States to prosecute and punish the most serious crimes under international law. International accountability efforts are required only when national systems are unable or unwilling to fulfil their obligations. The Security Council could establish commissions of inquiry or similar accountability mechanisms, and of course also make use of its competence to refer situations to the International Criminal Court.

The effective delivery of humanitarian assistance is intrinsically linked to timely access to populations in need, as well as to the safety and security of those who provide assistance.

The safety of humanitarian workers remains precarious. The Council has a particular obligation to provide for the security of United Nations staff and to ensure that there is no impunity for attacks on humanitarian and peacekeeping personnel, which may constitute war crimes under the Rome Statute. We welcome in this regard the entry into force of the Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel, which expands the legal protection of the 1994 Convention.

Significant concerns often exist in relation to the protection of civilians in situations that are not formally on the agenda of the Council. It is therefore essential for the Council to develop innovative ways to address protection concerns in such situations and to enhance its preventive and early warning capacities. The informal Expert Group on the Protection of Civilians could play a central role in that regard by receiving briefings and assessments on emerging violations of international humanitarian law by non-State and State actors.

The President: I give the floor to the representative of the Republic of Korea.

Mr. Kim Bonghyun (Republic of Korea): Let me begin by joining previous speakers in thanking you, Sir, for organizing today's open debate on the protection of civilians in armed conflict. My delegation also thanks the Secretary-General for his report on this issue (S/2010/579). I believe that today's debate offers a valuable opportunity to take stock of what we have achieved on key issues related to civilian protection, such as the implementation of resolution 1894 (2009), as well as to indicate areas where further work is needed.

Recently, United Nations peacekeeping operations are taking on more responsibilities in the protection of civilians. While recognizing that the primary responsibility for civilian protection rests with the nations and parties involved in conflicts, situations of armed conflict often make it extremely difficult for nations and parties in conflict to provide adequate protection measures to civilians. Furthermore, we have seen many occasions on which armed groups have resorted to violence against innocent civilians, particularly women and children, as a means of combat.

In this connection, it is essential for peacekeepers to have more responsibility for supporting and providing security to civilians at risk through tangible protection strategies. In addition, the Security Council needs to establish clear, credible, and achievable mandates to ensure the successful and effective protection of civilians prior to deployment. Additionally, as the Secretary-General has stressed, increased political support must be employed to ensure that mandates of the Department of Peacekeeping Operations (DPKO) are implemented.

Ensuring compliance with international humanitarian and human rights law is essential to civilian protection in armed conflicts. The international community should stand firm against impunity for violations of humanitarian and human rights laws whenever they arise. Compliance should also be applied to non-State armed groups, since more and more conflicts involve such groups. As such, the Security Council and other relevant international bodies need to devise measures to ensure full compliance regardless of the status of the parties to conflict.

Access to civilians affected by armed conflict in order to provide humanitarian aid and basic safety and security also needs to be guaranteed. Unfortunately, we have seen many cases in which humanitarian personnel and supplies have failed to reach those in urgent need due to the interference of certain parties concerned in armed conflicts. Such acts should be condemned, and those involved in such acts should be held accountable. My delegation hopes that the Security Council, on the basis of the relevant paragraphs of resolution 1894 (2009), adopted last year, can deliberate further on this issue.

Women and girls deserve special attention. As recent tragic incidents in the Democratic Republic of the Congo show, there are still many cases in which armed groups, operating in massive and widely dispersed areas, employ horrific sexual and other violence against women and girls. My delegation looks forward to all states further enhancing their efforts to implement resolution 1325 (2000) with respect to ending impunity and upholding accountability for serious crimes against women and girls in armed conflict and post-conflict situations. Also we hope for increased coordination among the Special Representative of the Secretary-General on Sexual Violence in Conflict, the DPKO and other concerned organizations to better confront these atrocious crimes.

The protection of civilians is an ongoing task that must be consistently strived for during any armed conflict. The safety and security of civilians in post-conflict situations must also be ensured, as these areas are at risk of deteriorating and falling into a spiral of recurrent violence. In this regard, due consideration must also be given to civilian protection in the peacebuilding process, and we would like to encourage the Security Council to incorporate this element in future discussion on this issue.

The President: I give the floor to the representative of Chile.

Mr. Errázuriz (Chile) (*spoke in Spanish*): Chile thanks the United Kingdom, in its capacity as President of the Security Council for November, for having convened this debate on such an important subject as the protection of civilians in armed conflict. We also thank the Secretary-General for his report (S/2010/579) and welcome the briefings we have heard from representatives of the United Nations and the International Committee of the Red Cross on this issue.

Chile associates itself with the statement to be made by the representative of Costa Rica on behalf of the Human Security Network.

More than a decade has passed since the first peacekeeping operation was deployed in Sierra Leone with an explicit mandate to protect civilians. Through these years, we have accumulated important experience and, at the same time, established a broad legal framework through the Council's thematic resolutions on the protection of civilians and other historic resolutions. We have also made significant progress in peacekeeping operations, virtually all of which are now involved in activities related to the protection of civilians and eight of which have specific physical protection mandates.

In that context, peacekeeping operations have become multidimensional and have distinct components linked to the protection of civilians, such as the monitoring of human rights, humanitarian assistance, capacity-building, the restoration of infrastructure and services, and security sector reform, among others. Chile believes that a comprehensive approach is the most effective way to address and respond to threats to the human security of civilian populations in armed conflict.

However, despite the greater attention that has been paid by the Council and the aforementioned progress, the prevalence of civilian casualties and the number of people affected by armed conflict continue to be overwhelming. This is noted by the Secretary-General in his eighth report. We also continue to see the challenges that he noted in his report of 29 May 2009, in which he stressed the importance of

> "enhancing compliance by parties to conflict with international law...; enhancing compliance with the law by non-State armed groups; enhancing protection through more effective and better resourced peacekeeping and other relevant missions; enhancing humanitarian access; and enhancing accountability for violations of the law" (*S/2009/277, para. 5*).

Chile condemns the recurring attacks on camps for refugees and internally displaced persons and on humanitarian personnel. We also reject the use of sexual violence and forced displacement as tactics of war, the widespread recruitment of children, the proliferation in the illicit traffic and undue use of small arms and light weapons, and the danger represented by anti-personnel landmines and unexploded ordinance left over from warfare. We also deplore the use of civilians as human shields.

Chile welcomes both the normative measures that have been adopted and practices on the ground itself aimed at preventing and attenuating the effects of violence against civilians in armed conflict, as pointed out by the Secretary-General in his report.

Chile also commends the establishment in the Security Council of the informal Expert Group on the Protection of Civilians. We appreciate its excellent work. We believe this to be an example to be duplicated in other instances, such as in the area of peacebuilding.

We also acknowledge the importance of including civilian protection as a component of the mandates of peacekeeping operations, including clear guidelines and intervention standards to effectively implement that aspect of the mission. That must be done without prejudice to the primary responsibility of host Governments to protect their own civilians.

Increasing interaction between host countries, the Security Council, troop-contributing countries and the Secretariat could also help to narrow the gap between the decision-making process and real implementation on the ground. We were pleased to note the independent study by the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations with regard to the implementation civilian protection mandates in peacekeeping operations.

Respecting and implementing international humanitarian law are inextricably linked to combating impunity. Eradicating impunity should be seen as part of a comprehensive focus on seeking sustainable peace, justice, truth and national reconciliation. Concerted efforts are required in cooperating with national judicial mechanisms in order to develop their capacities and ensure that perpetrators are brought to justice and tried in accordance with international standards.

Restoring the rule of law, security sector reform and transitional justice mechanisms are key areas in which national systems should be strengthened and supported through effective international cooperation. The International Criminal Court and other "mixed" tribunals and courts have an important complementary

function in trying persons suspected of having committed international crimes. It is of the utmost importance that national and international criminal justice institutions have all the necessary support on the ground. Chile supports all measures aimed at combating impunity, both at the national and international levels.

Civilians affected by violence in armed conflicts have a right to reparations and compensation. In that regard, we should not ignore the value of symbolic reparations as a way to heal society's wounds in post-conflict countries.

I should like to conclude by once again emphasizing that States have the primary responsibility to protect civilians.

The President: I again wish to remind representatives to please keep their statements to four minutes.

I now give the floor to the representative of Norway.

Mr. Langeland (Norway): It is deplorable that so many civilians suffer the consequences of armed conflicts. Far too often, women, men, girls and boys are directly targeted, killed, maimed or injured. We still witness too wide an interpretation of what constitutes legitimate military targets. The extensive use of explosive weapons in densely populated areas and imprecise targeting in connection with the use of remote-controlled technologies, such as drones, constitute grave risks to civilians.

However, over the past year we have seen encouraging progress in efforts to enhance protection measures in armed conflicts, such as the entry into force of the Convention on Cluster Munitions and the recent amendments to the Statute of the International Criminal Court that extend individual responsibility for the use of certain weapons and ammunition in non-international conflicts. Those are concrete steps in the right direction.

I would now like to focus on three core challenges in the Secretary-General's report (S/2010/579). The first is compliance with international humanitarian law. We believe that full compliance with existing international humanitarian law is essential for safeguarding civilians in armed conflicts. Our focus must be on where the consequences of armed conflict are felt, that is, on the ground. To that end, States as well as militaries, the International Committee of the Red Cross, non-governmental organizations and non-State armed groups must engage in renewed efforts to reclaim the protection of civilians. Norway supports the Secretary-General's recommendations with regard to the use of explosive weapons in densely populated areas, including the need for further analysis and research.

Secondly, with regard to protection by United Nations peacekeeping operations, Norway welcomes the publication of *Addressing Conflict-Related Sexual Violence — An Analytical Inventory of Peacekeeping Practice*. We also attach great importance to the ongoing work to develop training modules and scenario-based exercises to strengthen missions' protection capacity. Norway fully supports the Secretary-General's recommendation that specific benchmarks should be developed for measuring progress in the implementation of missions' mandates to protect civilians. This is not least important in exit strategies for peacekeeping operations.

Thirdly, with regard to enhancing accountability, the perpetrators of violations of international humanitarian law must be brought to justice. Norway firmly believes that we need to enhance the effectiveness of accountability mechanisms. We welcome the commitment of the Security Council to establish a stronger protection framework for children in armed conflict, most recently through resolution 1882 (2009).

Let me conclude by encouraging the Security Council to invite all relevant actors to take part in a debate on how to enhance the effectiveness of accountability mechanisms, including the use of commissions of inquiry and fact-finding missions.

The President: I now give the floor to the representative of Argentina.

Mr. Limeres (Argentina) (*spoke in Spanish*): First of all, allow me to congratulate you, Mr. President, on your assumption of the presidency of the Security Council this month. I would also like to commend you for convening this open debate on the subject before us.

The protection of civilians in armed conflicts continues to be a subject to which the international community and my country in particular attach the utmost importance. Unfortunately, the Security Council has to continue to consider this issue owing to the fact that today civilians still suffer greatly from the

consequences of armed conflict. The Security Council must therefore remain committed to the protection of civilians in armed conflicts, to promoting full respect for humanitarian law, human rights law and human rights in general, and to combating impunity.

Argentina would like once again to underscore the value and significance of the 1949 Geneva Conventions, which represented a remarkable step forward for the international community against the backdrop of the dehumanizing experiences it had suffered. Six decades later, conflicts continue to take place. Regrettably, there are still many situations where civilians are the targets of attacks and there are unacceptably high numbers of civilian deaths; where children are recruited as soldiers and girls are subject to abuse, rape and all other types of sexual abuse; where thousands and even millions of people are displaced; and where access to humanitarian assistance is impossible or seriously curtailed. Many of those situations are made worse by impunity.

Parties to an armed conflict are subject to the basic obligation of international humanitarian law to protect civilians from the effects of armed conflict. Such an obligation, embodied in common article 3 to the four Geneva Conventions of 1949, also applies in the context of armed conflicts of a non-international nature, that is to say, to non-States parties to conflict.

The Security Council is directly responsible for matters of peacekeeping operations and the protection of civilians. As I have pointed out on other occasions, my country is convinced of the need to include in the mandates of United Nations missions protection activities that are clearly developed and receive the necessary resources in an effective and timely manner. In this regard, interaction with components on the ground is essential to ensuring that mandates will be clear and appropriate to the circumstances faced by the peacekeeping operation.

Regarding the integration of the components, it is important to bear in mind the need, where relevant, to ensure the necessary structure for the protection of women, especially from sexual violence. At the same time, it is also worth bearing in mind the need to protect children, particularly from being recruited as child soldiers, and to rehabilitate former child soldiers. Another critical aspect of the protection of civilians is the need to ensure access to humanitarian assistance. If the parties to a conflict fail to fulfil their obligations under international humanitarian law, they must at least do all they can to ensure access to shipments and material, as well as first aid support. Furthermore, people fleeing combat areas must be allowed to transit safely to areas where they will be safe from hostilities.

Action by the Organization is essential to prevent the emergence of situations of genocide, war crimes, ethnic cleansing and crimes against humanity, and to end them when such situations emerge. Those four crimes, included in the concept of the responsibility to protect, demand not only action, but also prevention. The commitment of the Organization is needed to prevent the recurrence of the horrors of the past. It is often possible to detect in a society elements that set off alarms regarding the possible emergence of situations of massive and serious violations of human rights and humanitarian law. Therefore, prevention requires that the Organization be provided with appropriate mechanisms to gather information on present and potential situations that may trigger the responsibility to protect.

Fact-finding is an important element. Argentina considers it worth reiterating that there exists an impartial body for fact-finding into possible serious violations of the Geneva Conventions: the International Humanitarian Fact-Finding Commission, established by virtue of Protocol I to the Geneva Conventions of 1949. We welcome the Security Council's recognition in its resolution 1894 (2009) of the possibility of recourse to the Commission for timely, objective, accurate and reliable information.

Being a victim of an armed conflict is a condition that usually extends beyond the end of hostilities. In the case of women and children in particular, they continue to be victimized after returning to their communities by being stigmatized and subject to retaliation. In this context, it is necessary to underscore the role of justice. Perpetrators of war crimes, genocide or crimes against humanity are responsible for serious crimes and must therefore be held accountable before justice.

This Council established two international tribunals: the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda. Currently, we are transitioning towards an international justice system for the most serious crimes, including war crimes, based on a permanent tribunal more than on ad hoc tribunals. That permanent

tribunal, which is fully functioning, is the International Criminal Court, established by the Rome Statute in 1998.

I would like to end my statement by stressing once again that, in accordance with international humanitarian law and resolutions of this Council, any kind of attack against civilians or other protected persons in situations of armed conflict, including the obstruction of access to humanitarian assistance and the recruitment of children, is a violation of international law. Thus, I would like to conclude by urging once again strict compliance with the obligations arising from The Hague Conventions of 1899 and 1907, the four Geneva Conventions of 1949 and their Additional Protocols of 1977, general international law and the decisions of the Security Council.

The President: I now give the floor to the representative of Costa Rica.

Mr. Ulibarri (Costa Rica): It is an honour for Costa Rica to speak in its capacity as Chair of the Human Security Network and on behalf of its members: Austria, Canada, Chile, Costa Rica, Greece, Ireland, Jordan, Mali, Norway, Switzerland, Thailand and Slovenia, and South Africa as an observer.

The protection of civilians in armed conflicts is one of the priorities of the Human Security Network. Therefore, we would like to thank the United Kingdom presidency of the Security Council for the organization of this important debate, as well as the Secretary-General for his report (S/2010/579).

In just over 10 years since the first peacekeeping operation with an explicit mandate for the protection of civilians in armed conflict was deployed in Sierra Leone, we have accumulated valuable experience and made important progress with a view to establishing a comprehensive framework in the Security Council through thematic resolutions on the protection of civilians, as well as other milestone resolutions, including 1325 (2000), 1612 (2005), 1820 (2008), 1882 (2009), 1888 (2009), 1889 (2009) and 1894 (2009). We have entered a new era of multidimensional peacekeeping operations with large civilian components, including the promotion and protection of human rights, the facilitation of humanitarian relief, capacity-building, the restoration of infrastructure and services, and security sector reform.

However, despite the increased attention of this Council, the prevalence of civilian casualties and the number of people affected by armed conflict are still appalling. We are deeply concerned about attacks against refugees and internally displaced persons camps, as well as against humanitarian workers; the use of sexual violence and forced displacement as tactics of war; the prevalence of child recruitment; the proliferation of illegal trafficking and the misuse of small arms and light weapons; and the danger posed by explosive weapons, landmines and other remnants of war. We also deplore the continued targeting of civilians in situations of armed conflict, the indiscriminate use of force and the use of civilian populations as human shields in those situations.

Another challenge is the role increasingly played by private security companies in situations of armed conflict. In this context, the Human Security Network takes note of the recent signature of an international code of conduct by around 60 private security companies, according to which they undertake to respect human rights and humanitarian law in their operations.

The Security Council, as the principal organ for addressing threats to international peace and security, should respond to prevent violations of international law and to protect civilian populations in all situations of armed conflict without distinction. This also includes assisting in creating the conditions conducive to the rapid and unimpeded delivery of humanitarian assistance while ensuring the safety and security of humanitarian personnel.

We also recognize the importance of including the protection of civilians as a component of peacekeeping mandates, as well as clear guidelines and rules of engagement, without prejudice to the primary responsibility of the host Government to protect its civilians. In addition, it is also necessary to address other major constraints faced by peacekeeping operations, such as resources, equipment, the timely disbursement of funding, predeployment and in-mission training.

We welcome the Secretariat's efforts in establishing clear guidance and developing an operational concept for peacekeeping missions on the protection of civilians in armed conflict. Furthermore, a stronger partnership on protection with troop- and

police-contributing countries, host Governments and local populations should be developed.

Fostering international humanitarian law and practices is inextricably linked with the fight against impunity. Ending impunity for violations of international law and human rights law should be seen as part of a comprehensive approach to seeking sustainable peace, justice, truth and national reconciliation. The restoration and promotion of the rule of law, security sector reform and transitional justice mechanisms are also key areas where national systems should be strengthened and supported by enhanced international cooperation. The International Criminal Court, as well as other mixed courts and tribunals, can play an important complementary role in prosecuting persons suspected of committing mass atrocities.

Lastly, the Human Security Network notes with appreciation the important work of the informal Expert Group on the Protection of Civilians, which was established in January 2009.

The President: I call on the representative of Portugal.

Mr. Moraes Cabral (Portugal): I wish to thank you, Mr. President, for convening this debate on an issue to which Portugal attaches the utmost importance. I also wish to thank the Secretary-General for his report (S/2010/579), as well as Ms. Valerie Amos, Mr. Alain Le Roy, Ms. Navanethem Pillay and Mr. Yves Daccord for their very useful briefings.

We meet here today one year after the adoption of resolution 1894 (2009), which is rightly considered to be a benchmark of the United Nations normative system and the best reflection of the Security Council's long commitment to the issue of civilian protection in armed conflict. That resolution is also an essential development because it underlines the importance of addressing the protection of civilians in peacekeeping operation mandates in a proper way. The United Nations is now endowed with the necessary tools with which to act in an effective and accountable manner in protecting civilians in situations of armed conflict wherever they are called on to take action throughout the world.

The main responsibility to protect civilians lies obviously with States, but it is also clear that, in some cases, States need international support to carry out that responsibility. United Nations peacekeeping operations and United Nations missions, as well as United Nations agencies in general, are crucial to strengthening and helping national capacities to exercise that fundamental responsibility.

We are aware that the very nature of armed conflicts has changed. Armed groups roam unchallenged within the borders of often vast countries, sowing violence and death, and avail themselves of the porosity of borders to further their criminal intentions. This new reality adds significantly to the complexity of the tasks of peacekeepers and strains their capacity to enforce compliance with international humanitarian law and uphold respect for fundamental human rights.

Despite all the difficulties, the protection of civilians — whether directly targeted or accidental victims of conflict — must be of paramount concern, and we strongly support the Secretary-General's recommendation for its enhancement. Civilians continue to account for the majority of conflict-related casualties and are constantly exposed and fall victim to serious violations of human rights and humanitarian law. It goes without saying that we acknowledge the huge scale and complexity of the task facing peacekeepers and United Nations agencies and missions. Nevertheless, we must strive to increase their effectiveness in protecting civilians in conflict situations.

Allow me to mention, in this context, what we believe to be three important issues: impunity and the lack of accountability, the need to strengthen United Nations peacekeeping operations and missions, and, finally, the need for an increasingly integrated approach to peacekeeping.

Portugal believes that the lack of accountability and the impunity that benefit many parties to armed conflict throughout the world are extremely disturbing. This situation obviously encourages perpetrators even as it discourages victims from denouncing violations and seeking redress. Furthermore, it renders the tasks of peacekeepers even more difficult in protecting civilians in situations of conflict. We believe that the United Nations and the Security Council must show their strong resolve as far as impunity is concerned, addressing ways and means by which its action can be more effective in bringing to justice those guilty of deliberately targeting civilians and violating their fundamental rights.

The report of the Secretary General points to some improvements that have been made in this regard through the actions of international institutions, such as the International Criminal Court (ICC), and by national institutions. Concerning the ICC and its specific role in addressing the most serious crimes, we encourage every effort to strengthen the Court and to reinforce its credibility through enhanced cooperation among parties and the promotion of the universal ratification of the Rome Statute, especially now that the Kampala Review Conference successfully contributed to a larger international consensus around it through the agreement on the crime of aggression.

Nevertheless, as the Secretary-General underlines, much more must still be done in this area. That will require, of course, a much more effective translation of rules and principles into applied actions on the ground by those rightfully entrusted to do so. It is clear that the normative framework we currently have is adequate; what seems often to be lacking is the political will to implement it effectively.

My second point concerns the need to strengthen United Nations peacekeeping operations and missions. This requires clear, specific, situation- or country-oriented mandates, as well as training and resources, so as to successfully fulfil our responsibilities to those who suffer the most. Allow me to stress training. If they are to carry out their tasks in an efficient way, peacekeepers should be well acquainted with the origins and reasons underlying a conflict as well as the social, economic, ethnic and cultural patterns of the country in which they serve. Recent experiences show the importance and usefulness of engaging with local communities and benefiting from their wealth of knowledge of specific situations and conditions, as well as the extent to which such engagement can reinforce the sense of ownership by the people. One must also bear in mind, however, that those communities might be singled out as objects of reprisal by warring factions, and act accordingly.

Finally, the growing complexity and diversity of mission-mandated tasks demand an integrated approach to United Nations peacekeeping. There is a growing understanding of the concept of the protection of civilians in armed conflicts, and in this sense the guidance given to United Nations missions on how to effectively protect civilians is particularly important. We commend the work that has been conducted within the United Nations towards achieving a shared understanding of this concept and developing a strategic framework for mission-wide strategies on the protection of civilians. Training modules and the identification of resources and capacities required to perform the tasks are also of the utmost importance, as are scenario-based exercises for senior mission leadership, as described in the progress report on the New Horizon initiative. However, if missions are to perform efficiently, adequate capacities have to be deployed on the ground, with clearly defined and achievable tasks and objectives, so as to avoid capability gaps that would hamper missions.

To conclude, let me assure the Council that Portugal will stay fully committed and actively engaged in all efforts pertaining to strengthening the protection of civilians in armed conflicts. We look forward to working closely with members of the Council on this endeavour from the outset of our tenure next January.

The President: I now give the floor to Mr. Peter Schwaiger, Deputy Head of the delegation of the European Union to the United Nations.

Mr. Schwaiger: Let me first thank Under-Secretary-General Amos for her first presentation to the Security Council. I would also like to thank Under-Secretary-General Le Roy, the High Commissioner for Human Rights, Ms. Navanethem Pillay, and Yves Daccord, Director-General of the International Committee of the Red Cross, for their participation in the debate today.

The candidate countries Turkey, Croatia and the former Yugoslav Republic of Macedonia; the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro and Serbia; as well as Ukraine, the Republic of Moldova, Armenia, Azerbaijan and Georgia align themselves with this statement. In the interest of time, I will deliver an abridged version of our statement.

Like other speakers today, we are alarmed that civilians continue to account for the majority of casualties in conflict and by the historically high numbers of displaced persons. As a key humanitarian donor worldwide, the European Union (EU) is deeply concerned by the frequency and gravity of attacks against humanitarian personnel, as well as by problems of safe and timely humanitarian access, particularly for vulnerable groups.

We share the concern about the humanitarian impact of explosive weapons, particularly when used in densely populated areas, and we note the growing recognition of the indiscriminate harm they can cause. The suffering of hundreds of thousands of civilians in the midst of conflict requires our rigorous attention, strengthened resolve and decisive action.

The European Union commends the work conducted within the United Nations on the protection of civilians and the increased attention paid by the Security Council to those issues. Resolution 1894 (2009) of last November has been rightly hailed as a landmark development. We also wish to recall important resolutions related to women and peace and security and to children in armed conflict, and the appointment of the Special Representative of the Secretary-General on Sexual Violence in Conflict.

The European Union fully supports the Secretary-General's call to address protection-of-civilians situations in a comprehensive way, to undertake further action to address the five core challenges, and to improve the coherence and mainstreaming of protection. We support the systematic use of practical tools, such as the aide-memoire of 2002, which has now been updated. We commend the work of the informal Expert Group on the Protection of Civilians.

Like many speakers today, we believe that the systematic monitoring of and reporting on the protection of civilians in armed conflict is highly important and that indicators could play a very useful role in that regard. We also support the use of clear benchmarks for peacekeeping missions, in particular when it comes to their drawdown.

The European Union is grateful for the strong call to improve accountability for violations of international humanitarian law and human rights law in situations of armed conflict, including for the deliberate targeting of civilians and their use as human shields, indiscriminate or disproportionate attacks, and delays or denials of humanitarian access. Together with targeted measures, accountability would help to improve compliance.

We encourage the Council to further explore the Secretary-General's recommendations, including referrals to the International Criminal Court, support to national-level investigation and prosecution, and increased use of commissions of inquiry or fact-finding missions. We believe that such measures would also help to contribute to prevention, which has recently also been debated in the context of the responsibility to protect.

Moreover, we welcome the initiative of the current Security Council presidency to invite Under-Secretary-General Pascoe for a horizon-scanning briefing at the beginning of the month. We encourage incoming presidencies to do likewise.

Obviously, United Nations peacekeeping and other operations have a significant impact on enhancing protection on the ground. In view of that, the comprehensive contribution on the protection of civilians by the Special Committee on Peacekeeping Operations in its 2010 session was a significant achievement. We welcome the development of designated protection-of-civilians strategies by certain United Nations peacekeeping missions and encourage the engagement by senior mission leadership with protection issues. We look forward to a more consistent and systemic consideration of such issues in reports of the Secretary-General as guidelines are under development.

We also welcome the fact that the Department of Peacekeeping Operations (DPKO) carries work forward on a strategic framework for mission-wide protection and training modules, as well as for an assessment of resources and capabilities, which will help to improve the situation of civilians in armed conflict and to develop a culture of protection.

Lastly, I would like to mention that the European Union has reviewed its own guidelines in this area. On 25 October, EU Foreign Ministers adopted revised guidelines on the protection of civilians in EU Common Security and Defence Policy missions and operations. They were developed in consultation with the United Nations, notably, the Office for the Coordination of Humanitarian Affairs and DPKO, as well as the International Committee of the Red Cross. The document provides practical guidance for planning, conduct and subsequent lessons-learned processes of our missions. In the future as well the European Union will cooperate closely with the United Nations and other relevant organizations.

The President: I will now give the floor to the representative of Germany.

Mr. Wittig (Germany): Germany fully aligns itself with the statement just made by the European Union.

Let me thank Under-Secretary-General Valerie Amos for her statement on behalf of the Office for the Coordination of Humanitarian Affairs today. I also thank Ms. Pillay, Mr. Le Roy and Director General Daccord for their contributions. The voices of the High Commissioner for Human Rights, the Under-Secretary-General for Peacekeeping Operations and the Director General of the International Committee of the Red Cross are particularly relevant in this debate.

Civilians continue to bear the brunt of violence and abuse in armed conflicts. Women and children are particularly vulnerable and often are directly targeted. The mass rapes in Walikale in the eastern Democratic Republic of the Congo in July of this year — only days after the last open debate on the protection of civilians in the Security Council — serve as a stark reminder that we must do more to ensure the safety and physical integrity of civilian populations and to enhance full respect by all parties to conflict for applicable international law.

Over the last years, the Security Council has developed a comprehensive normative framework on protection issues. The Council has repeatedly made it clear that the protection of civilians must be a priority for peacekeeping operations. There is, however, an implementation gap, which the Council and United Nations missions must address in order to make a tangible difference for the civilian population in zones of conflict.

Protecting civilians from the direct threat of physical violence in zones of conflict is not an easy task, as we all know. Resource constraints, difficult terrain and a sometimes tenuous consent of the host country, but also a lack of conceptual clarity and insufficient training and preparedness are challenges to the effective protection of civilians by United Nations missions.

The United Nations peacekeeping reform process has acknowledged many of the shortcomings and has taken first steps to address them. In that regard, we welcome the progress made so far in developing an operational concept for the protection of civilians in United Nations peacekeeping operations, as requested by Security Council resolution 1894 (2009) of last November.

Military as well as civilian components of the United Nations missions in the field must have clear guidelines on their respective roles in the protection of civilians from physical violence and must work together in achieving that. It is also imperative that United Nations missions interact more with the vulnerable communities that they are tasked to protect, in order to better understand their specific protection needs.

We welcome the most recent report of the Secretary-General on the protection of civilians (S/2010/579) and the conclusions and proposed practical steps contained therein. We agree on the need to develop quality benchmarks for the implementation of protection mandates by peacekeeping missions and on the need to assess and implement best practice.

We welcome the development of training modules on protection issues for all peacekeeping personnel and, in particular, the Department of Peacekeeping Operations (DPKO) cooperation with United Nations Action against Sexual Violence in Conflict to develop relevant training materials. Germany is pleased to be associated with DPKO's important work on developing a specific United Nations police standardized training curriculum on investigating and preventing sexual and gender-based violence.

We also recognize the important role the Council's informal Expert Group on the Protection of Civilians can play in incorporating protection issues in the Council's work, especially prior to the renewal of peacekeeping mandates. In that regard, we particularly welcome the updated aide-memoire endorsed today. Germany looks forward to participating actively in the work of the informal Expert Group during its tenure on the Security Council.

The Security Council has also done important work to enhance the protection agenda on specific thematic issues like children and women in armed conflict. Let me in that context briefly highlight the action plans pursuant to Security Council resolution 1612 (2005), in which the Special Representative of the Secretary-General for Children and Armed Conflict is engaging non-State parties to conflict. In our view, this is yet another practical way to enhance compliance by those groups with applicable international law. Here, as in other United Nations activities in conflict zones, United Nations access to non-State parties to conflict is key, and we would encourage Member States to grant such access.

To conclude, let me briefly touch upon the need to fight impunity. This past summer, the Security Council adopted a presidential statement on children and armed conflict (S/PRST/2010/10), which called for increased exchange of information on persistent perpetrators between the Security Council Working Group on Children and Armed Conflict and relevant sanctions committees of the Security Council. We believe that such a regular exchange of information could be a step towards ensuring compliance with applicable international law and ensuring accountability for violations thereof.

The President: I now give the floor to the representative of Sri Lanka.

Mr. Kohona (Sri Lanka): At the outset, I wish to join previous speakers in thanking you, Sir, for having convened this timely debate on a matter that increasingly demands the focused attention of the international community. I should also like to thank the Secretary-General, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, the High Commissioner for Human Rights and the Director General of the International Committee of the Red Cross for their helpful briefings.

We welcome the emphasis put by the Secretary-General on the need to achieve a more tangible improvement in the protection of civilians most affected by conflicts. In that context, we would like to propose that, where satisfactory and successful experience exist with regard to the care and protection of civilians, including in post-conflict situations, best practices from such national cases should be compiled as an annex to the Secretary-General's future report on the topic.

While encouraging non-State actors to adhere to the principles of international humanitarian law in order to better ensure the protection of civilians is a laudable objective, this may prove to be a double-edged sword, as it could also confer unintended legitimacy on violent perpetrators of terrorism and terrorist groups. That might pose a political dilemma for legitimate Governments fighting terrorist groups and seeking to protect their sovereignty, territorial integrity and, in many cases, their cherished democratic way of life, and might thereby add a further confusing element to ongoing conflicts.

Despite the brutal onslaught unleashed by a terrorist group that laboured for over 27 years to undermine our Government economically and its ability to function effectively as a State, my country, Sri Lanka, has taken determined measures to establish a credible national human rights framework through a range of domestic legislative and administrative measures that are fiercely enforced by the courts. The legislation gives expression to seven core human rights treaties and other related international instruments, including the four Geneva Conventions, to which Sri Lanka is a party.

Sri Lanka respects and firmly identifies with the principles underlined in the thematic resolutions adopted by the Security Council since 1999. It will continue to strengthen its human rights framework as the security situation further improves. Sri Lanka's commitment is illustrated by the manner in which broad civilian protection issues were addressed during the conflict and the speed and efficacy with which it is now confronting the challenges of resettling internally displaced persons (IDPs), rehabilitating former Liberation Tigers of Tamil Eelam combatants and child soldiers, post-conflict reconstruction and development, and accountability and reconciliation issues. Even cynics will have to acknowledge the professional commitment with which the Government has approached those issues.

Sri Lanka's decision to engage the Liberation Tiger terrorists militarily in 2006 followed their arrogant refusal to return to peace negotiations and their persistent resort to unbridled terrorism. The massive toll on civilian lives, public assets, religious and world heritage sites, vital economic assets and the immense suffering of civilians could no longer be tolerated by a responsible and democratically elected Government.

As has been repeatedly emphasized, our military engagement with the Liberation Tigers was clearly based on a well defined distinction between the terrorists and the Tamil civilians, and its goal was a humanitarian rescue operation to relieve approximately 300,000 civilians held as human shields and used as a bargaining chip by the terrorists. The terrorists were not averse to locating heavy weapons amidst those innocent civilians.

The Government policy of zero civilian casualties had a deep impact the country's professional armed services, which were trained in humanitarian standards by the International Committee of the Red Cross

(ICRC). The ICRC also assisted in evacuating over 7,000 injured and their care-givers to Government-run hospitals. These policies paid dividends as expected, as thousands of Tamil civilians fled to Government-controlled areas, once the terrorists lost their coercive hold on the civilian population, and all were fed, clothed, sheltered and otherwise cared for in camps prepared in advance to receive them.

Pivotal to civilian protection is the partnership based on trust that was established with United Nations agencies and other humanitarian actors on the ground. Trust is the first casualty of any subtle politicization or assumption of a judgmental approach by external entities, which invariably upsets the delicate balance between the parties in such situations. It is therefore imperative that humanitarian agencies and their workers carry out their work on the basis of the principles of neutrality and impartiality; that they conform to national laws; that their activities match the identified policy priorities of host Governments; and that they be cognizant of local political, cultural and social sensitivities. No one size fits all, and experience and expertise gained elsewhere may not fit a given situation on the ground. A tendency to grandstand or be paternalistic will invariably have negative consequences. Public perceptions matter enormously, particularly where public opinion influences political dynamics and where the public is literate and politically conscious. Public order and political stability are also critical. Therefore, neutrality, impartiality, sensitivity and trust assume a seminal importance in such contexts.

Today in Sri Lanka, 78 non-governmental organizations (NGOs), including local NGOs, and 11 United Nations agencies, are working in partnership with the Government on rehabilitation, resettlement and reconstruction programmes.

Sri Lanka takes the policy view that NGOs establishing parallel services to those of the Government that are not sustainable cannot have long term benefits for the welfare of the people. NGOs must have the capacity to deliver programmes and self-generated funding to work with the Government on prioritized policy areas and activities.

Post-conflict needs and requirements are even more complex and sensitive than the needs that were felt earlier. Sri Lanka does not fancy being converted into a laboratory for an NGO industry, a testing ground for post-conflict theories or prime learning ground for those seeking internships.

Sri Lankan society — which has experienced two violent youth insurgencies and a 27-year terrorist onslaught during the critical part of its development trajectory — is one that is now gradually coming into its own. Sri Lanka as a State party to seven core human rights treaties and other related international instruments in the area of international humanitarian law, including the four Geneva Conventions, is deeply committed to the principles underpinning those instruments. The multidimensional revitalization programme being implemented in the country is now laying the foundations for fostering justice, security and opportunity for all. The culture of respect for human rights and humanitarian standards will be revitalized in this progression, ensuring the further consolidation of the protection principle in our law and society.

The President: I now give the floor to the representative of Georgia.

Mr. Tsiskarashvili (Georgia): Let me join previous speakers in thanking you, Mr. President, for organizing today's open debate on the protection of civilians in armed conflict and for giving us this opportunity to address the Security Council.

Georgia fully aligns itself with the statement of the European Union.

More than a decade has passed since the Council began deliberating this important subject. Throughout the past 11 years, the Council has adopted six resolutions and eight presidential statements on the protection of civilians, but unfortunately these measures are not sufficient. Civilians continue to be severely impacted by armed conflicts around the world. The deliberations of the Security Council clearly indicate the need to further strengthen the protection of civilians through compliance with the norms of international humanitarian and human rights law. Every situation where civilians suffer from violence caused by armed conflict requires more attention from the international community.

I would like to take this opportunity to inform the Security Council that Georgia recently became a party to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. By doing so, Georgia reaffirmed its

strong commitment to consolidated international efforts aimed at protecting the rights of children affected by armed conflicts worldwide.

Every time the opportunity arises to discuss this important matter in open debate here in this Chamber, my delegation provides the Council with detailed information on the situation concerning civilians living under foreign occupation in two regions of my country, Abkhazia and the Tskhinvali region.

Since our last address, nothing has changed on the ground. Ethnicity-based and other gross and massive violations of human rights law and humanitarian law happen on a daily basis. The population continues to suffer from insecurity and discrimination; living under the threat of expulsion, forced conscription and passportization; losing their ethnic identity; and being denied their right to property and education in their mother tongue, not to mention the impact of conflict and violence, especially on the younger generation. Moreover, the authorities in effective control have taken measures to deprive these individuals of their right to free movement across the administrative borderline, which has turned into an occupation line. We believe that such violence must be seen as a fundamental violation of the right of every individual to life and development, and universally condemned.

Resolution 1894 (2009), adopted a year ago, reaffirmed the need to focus on the issue of humanitarian access. The very same message has been reiterated in the Secretary-General's most recent report on the protection of civilians in armed conflict (S/2010/579), in which the Secretary-General suggests that humanitarian access is the fundamental prerequisite for humanitarian action. A similar message has been delivered by Mr. Walter Kälin, Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, in his reports on Georgia and its occupied regions.

I would like once again to draw the Council's attention to the problem of humanitarian access to the Tskhinvali region of Georgia, where the occupying Power continues to block humanitarian aid and international humanitarian actors and demands that the region be entered exclusively from its own territory. This policy represents yet another clear infringement of the principles of international humanitarian law, as well as of paragraph 3 of the European Union-brokered ceasefire agreement of 12 August 2008 and paragraph 4 of General Assembly resolution 64/296 on the status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region, Georgia, of 7 September 2010. This resolution represents a powerful manifestation of the will of the international community to stand up for the rights of all who continue suffer the consequences of armed conflict.

Here, I would like to stress that Georgia continues to support the efforts of the United Nations and its agencies to alleviate the suffering of civilians on the ground. Let me assure the Council that my country stands ready to work with the international community in addressing current challenges and ensuring genuine progress in this field.

The President: I now give the floor to the representative of Peru.

Mr. Gutiérrez (Peru) (*spoke in Spanish*): I would like to thank you, Mr. President, for having promoted the convening of this open debate, and to express Peru's gratitude to Valerie Amos and Alain Le Roy, Under-Secretaries-General for Humanitarian Affairs and Peacekeeping Operations, respectively, for their briefings on the subject before us today. I also wish to highlight the statements made by the High Commissioner for Human Rights and the Director-General of the International Committee of the Red Cross. We thank the Secretary-General for his latest report on the protection of civilians (S/2010/579). However, it would have been very helpful to have the report far enough in advance to enable us to better evaluate it.

The issue of the protection of civilians in armed conflict has been addressed in this Chamber for over 10 years, and we have seen the subject evolve and develop in that time. In this respect, we believe that resolution 1894 (2009) and last year's presidential statement (S/PRST/2009/1) to be of great value.

These debates are a useful opportunity to carry out a critical reflection leading to a more analytical and profound assessment of the progress made to date. To that end, it is important that we be guided by the five core challenges identified by the Secretary-General in his 2009 report (S/2009/277), which clearly remain valid, as reflected in the latest report. They are enhancing compliance by parties to conflict with international law; enhancing compliance with the law by non-State armed groups; enhancing protection

through more effective and better resourced peacekeeping and other relevant missions; enhancing humanitarian access; and enhancing accountability for violations of the law. In the same vein, we must take as a basis the aide-memoire annexed to last year's presidential statement.

The latest report of the Secretary-General identifies various areas where progress has been made, but it also clearly notes that most of this progress is still taking place within a normative or legislative framework. Such progress contributes to the development the common of conceptual framework we all seek as the basis and guide for the protection of civilians tasks that peacekeeping operations must carry out.

However, we must remember that we have no time to lose in improving protection on the ground. We need to keep in mind both the multidimensional nature of peacekeeping operations and their various civilian, military and police components, as well as the essential political commitment that such missions require. Such commitment should be strengthened not only by the parties to a conflict, but also by Headquarters, and primarily the Security Council. The Council must shoulder its main responsibility, which is the maintenance of international peace and security, by establishing clear mandates that facilitate the preparation of operations in all their aspects and help missions to fully accomplish their tasks.

As we have reiterated on several occasions, the protection of civilians has become an essential element for achieving peace and for the credibility and legitimacy of the Organization. In that regard, the Security Council has the capacity to adopt specific measures coherently to promote orderly and systematic compliance with international law by all actors in a conflict, in particular the parties to the conflict and armed non-State groups. This was illustrated by the various examples provided by the Secretary-General in last year's report and in the preparation of the aforementioned aide-memoire.

Other important measures are those taken to punish non-compliance with international humanitarian law in order to put an end to any possibility of impunity. In the context of political support, of equal importance are the role of regional organizations and the contribution they can make to prevention, planning and operations, as well as the support they can provide to national capacity-building for the protection of civilians.

Peru reiterates its support for the promotion of and respect for international humanitarian law by all parties to a conflict, particularly non-State armed groups. Peru is a party to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War and its Additional Protocols relating to the protection of victims in international and non-international armed conflicts, which are the cornerstones of international humanitarian law on the protection of civilians. That is why we reiterate our call on States that have not yet become party to these international instruments to do so.

In fulfilment of its international obligations, and with the aim of raising awareness of the framework for the protection of civilians in armed conflict among public officials and civil society, my country has implemented a policy of dissemination of international humanitarian law across the board. We have stressed the protection of civilians in armed conflict. We also recently presented a detailed report to the Secretary-General concerning the Peruvian Government's actions in this regard.

We consider it extremely important to develop the preventive, analytical dimension of a mission before it is deployed in order to best protect civilians and achieve an optimum understanding of the parties, reasons and circumstances of the conflict in relation to the civilian situation. More specific and appropriate mandates can be arrived at when they are developed on a more informed, case-by-case basis. This will also make it possible to fill in the gaps in terms of political guidelines and the planning and preparation of missions. It will improve orientation on the ground in the coordination needed to address problems that arise with the arrival and deployment of humanitarian aid, as well as with trafficking in small arms and light weapons.

As part of this preventive analysis, it will also be necessary to carry out an ongoing evaluation of the risks faced on the ground both by civilians and by those protecting them, particularly in peacekeeping operations. In this regard, we thank the informal Expert Group for its work. We suggest that the Group might also assess the lessons learned from missions carried out to date. It would also be helpful to continue to strengthen coordination among the Office for the

Coordination of Humanitarian Affairs, the Security Council, the Department of Peacekeeping Operations and the Department of Field Support. We also believe that the membership should have more information at its disposal on the successes, challenges and lessons learned along the way. That is why we would ask for a briefing concerning these lessons in the framework of the Special Committee on Peacekeeping Operations.

For the credibility of the United Nations, once the task of protection is accepted and taught, it is of capital importance to have clear, precise and adequately resourced mandates that also reflect limitations and existing conditions, in order not to raise expectations that exceed a mission's capacities, particularly in regard to the use of force. Coordinating the tasks of all stakeholders involved, particularly the efficient dovetailing of responsibilities relating to the need to protect civilians, is also extremely important.

Finally, while Peru supports the adoption of presidential statements at the end of debates of this kind — believing that they are instruments of value and utility to the matter under discussion — we also believe it very important that, before any such text is adopted, we also listen to and consider the opinions of the membership on the issue at hand. My delegation expressed this concern in the General Assembly's joint debate on the report of Security Council and Security Council reform (see A/65/PV.50). If it is our genuine intention to give added value to these debates, they should not be a mere formal exercise. On the contrary, they should be substantial debates where the presidential statement is drafted after the debate has taken place.

The President: I now give the floor to the representative of Pakistan.

Mr. Sial (Pakistan): Mr. President, I would like to avail myself of this opportunity to express our appreciation for your able presidency of the Council this month.

We listened attentively to the briefings by the Under-Secretaries-General for Humanitarian Affairs and Peacekeeping Operations, the High Commissioner for Human Rights and the Director-General of the International Committee of the Red Cross.

The Government of Pakistan strongly condemns attacks on civilians under all circumstances. Pakistan has been a strong and active supporter of the protection of civilians in armed conflict. Over the years, Pakistan has contributed to international efforts, particularly those led by the United Nations, for the protection of civilians in armed conflict. The most tangible demonstration of this, as the Council is well aware, is our participation as the top troop contributor to United Nations peacekeeping missions. We are very keen to make this debate more useful and to work together in focusing our energies to enhance implementation capacity to ensure more effective protection of civilians in armed conflict.

Objective reporting is a basic prerequisite for the consideration of this important issue. Systematic and consistent violations of the rights of civilians are frequent and pervasive around the world, especially in situations of foreign occupation. In our view, the report (S/2010/579) should have informed us more objectively about parts of the world where innocent people continue to suffer every day, including in situations that are on the agenda of the Council.

The report contains unwarranted and unacceptable references to Pakistan, for which there is no justification whatsoever. The assertions made therein are completely misplaced and factually incorrect. Pakistan is a vibrant democracy. By no stretch of imagination can the situation in Pakistan be described as an internal armed conflict. Pakistan has successfully confronted terrorism, which has roots in the conflict and strife in Afghanistan resulting from cold war dynamics. It is a lethal nexus of drugs and organized crime gangs, funded and supplied with weapons that pose a threat to Afghanistan's neighbours and to the global community as a whole. The consequence is that innocent civilians across the world, including in Pakistan, have been targeted.

Pakistan will continue to do all it can to eliminate terrorism. This we do to protect our people from terrorists and criminal gangs. We seek peace, prosperity and stability in order to achieve our development goals. We have, in this struggle, the full support of our people.

On a different plane, the report seeks perhaps to build an argument for allowing contact with non-State armed groups. This raises many serious questions, including that of the applicability of international humanitarian law to counter-terrorism. Certainly, no one would wish to advocate contact with or sympathy for Al-Qaida and hard-core criminal gangs.

We are perplexed when we see that many countries across the world that are facing situations involving insurgencies, and where protection of civilians has been a concern, fail to rate even a passing reference in the report. It is also a matter of grave concern to us that the report omits any reference to the serious and systematic violations of human rights and humanitarian law in Indian-occupied Kashmir that have been widely reported by the international media and civil society.

We hope that future reports on this agenda item will be balanced and more carefully drafted. It is important to address these issues objectively and to avoid politicizing questions relating to international humanitarian law.

The President: I give the floor to the representative of Slovenia.

Ms. Štiglic (Slovenia): Allow me first to thank the United Kingdom for organizing this open debate on the protection of civilians. Slovenia would like to congratulate Ms. Amos on her appointment as Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator. I would like to thank her, Under-Secretary-General Le Roy, High Commissioner for Human Rights Pillay and the Director General of the International Committee of the Red Cross, Mr. Daccord, for their presentations today.

Let me stress that Slovenia fully aligns itself with the statements delivered by the representatives of the European Union and, on behalf of the Human Security Network, of Costa Rica.

Last year was an important year in the Security Council for the issue of the protection of civilians. Resolution 1894 (2009) introduced new provisions that focus on humanitarian access, the implementation of protection measures in peacekeeping missions, and monitoring and reporting. In the past year, the Council also took several important decisions related to the special protection needs of women and children. We welcome the fact that the Council has started to address the concerns of the protection of civilians more systematically. We encourage it to continue to address those concerns consistently in its country-specific resolutions and presidential statements.

However, the situation of civilians in armed conflicts around the world remains alarming. As outlined in the report of the Secretary-General (S/2010/579), civilians continue to account for the majority of casualties in conflicts and are often the deliberate targets of different forms of violence by all parties to conflict. Special attention should be paid to the most vulnerable, namely, women and children, who continue to suffer extreme violence and hardship during conflict, in particular sexual violence, including rape.

Slovenia believes that the Council must increasingly focus on preventing conflict, including through early warning, as failure to do so bears only grave consequences for the affected civilians. The Council must respond to situations where civilians are at risk of systematic and widespread violations of humanitarian law and international human rights law, in particular to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

Grave violations of international humanitarian, human rights and refugee law should be properly addressed and the perpetrators of, and those responsible for, such violations should be found accountable. Impunity presents a major obstacle to the prevention of the grave violations committed against civilians in armed conflict. The Council should be sensitive to the issue of accountability, including in the country situations on its agenda.

Situation-specific resolutions have increasingly called for prioritizing the protection of civilians in the implementation of peacekeeping mandates. They have requested missions to develop protection strategies. The role of the Department of Peacekeeping Operations and the Department of Field Support in developing an operational concept on the protection of civilians in United Nations peacekeeping operations is of great importance in that regard. Lessons learned and the best practices of regional organizations are at our disposal and must be utilized.

The challenges ahead also concern the implementation of normative standards. We support the use of benchmarks, which would facilitate monitoring the implementation of those standards and peacekeeping mandates.

Slovenia shares the concerns over the impact of explosive weapons on civilians, in particular when used in densely populated areas. We are also deeply concerned about the tremendous challenges still arising from the presence of mines and other unexploded ordnance, which continue to constitute an obstacle to

the return of refugees and other displaced persons, humanitarian aid operations, reconstruction and economic development, as well as the restoration of normal social conditions. They have serious and lasting social and economic consequences for the populations of mine-affected countries. Slovenia is active in the area of mine action, especially through the International Trust Fund for Demining and Mine Victims Assistance, established by the Slovenian Government.

Let me conclude by stressing that the international community should not and must not be indifferent to the plight of civilians in armed conflict.

The President: I now give the floor to the representative of the Syrian Arab Republic.

Mr. Ja'afari (Syrian Arab Republic) (*spoke in Arabic*): At the outset, I would like to convey the gratitude of my delegation to you, Mr. President, for having convened this meeting on the protection of civilians in armed conflict. We would also like to thank all the speakers at the morning portion of the meeting.

We believe that this important topic cannot be approached in a selective or biased way. For that reason, we believe, together with the entire international community, that protection of the Palestinian, Syrian and Lebanese civilians living under Israeli occupation is a crucial part of the international effort.

While the Council has discussed that important issue for decades, we appreciate it all the more at a time when serious violations affecting the Syrian citizens in the occupied Golan and the Palestinian populations in the West Bank, Jerusalem and the Gaza Strip persist, owing to the barbaric Israeli aggression. That aggression includes continuing the settlements, aggression against civilians, imposition of the blockade, prohibition of civilian access to humanitarian aid, and attacks on the humanitarian assistance flotillas and the international peace activists aboard them.

Among the extraordinary paradoxes that have confronted the international community for decades, since the development of the concepts of international law and international humanitarian law, the suffering of civilians in armed conflict continues, despite the increased frequency of Security Council meetings devoted to such issues. The international community has made exceptional progress in international humanitarian law over the past centuries, but that law must not be implemented by applying it to the weak but not to the strong, nor by exonerating authorities of foreign occupation from the consequences of violating the rule and principles of international law.

Israel has committed crimes for decades and has violated the most basic principles of international humanitarian law. It is not held accountable for its activities and its barbarous occupation and military and political leadership. The international community is reluctant to address Israel's violations and to put an end to them and is powerlessness to tackle Israel's practices and violations because of its impunity or exemption from implementing some international resolutions. All those factors have enabled the Israeli occupying forces to continue to disregard international law and to persist in settling the territory, imposing the blockade on Gaza, stealing land and preventing humanitarian aid from reaching the besieged people of Gaza.

Amid its aggression in international waters against the Turkish freedom flotilla — which was bringing humanitarian assistance to the people of Gaza, besieged for four years — the bombing of the United Nations headquarters and the death of civilians sheltered there, today Israel openly states its rejection of all humanitarian principles of international humanitarian law and conducts its feverish quest to try to reverse humanitarian and legal advances by talking of the need for Judaism in that racist State so as to be able to continue its purging, racist policies of collective punishment, which, moreover, are punishable by law. It seems that there are different laws for those who are in favour of double standards, double standards that exempt Israel from being brought to account for its behaviour.

Israel's aggressive behaviour means that this country is able to achieve what no other country or usurper in history has ever achieved. This aggressive behaviour violates the legal legacy and heritage of all humankind, straightforwardly without exception, and enjoys, despite all that, some sort of protection.

The occupation of the Syrian Golan is similar to the picture that I have just drawn. Israel refuses to restore the occupied Syrian Golan to its motherland, Syria, and refuses to accept international resolutions, including resolution 497 (1981). In this context, we call upon the international community, in particular the

General Assembly and the Security Council, to shoulder their responsibility to prevent Israel from continuing its violations, such as pillaging natural resources in occupied Arab lands, including the Golan.

In conclusion, we simply do not know how long eyes will be averted from the Israeli occupation of Arab territories and its anti-humanitarian actions there. We simply do not know when the positions that are regularly expressed will be made real on the ground. Will the Security Council progress from debates and statements to actual implementation of its obligations and resolutions? That is the only question to which we must respond, for that is what is at stake when we talk about the defence and protection of civilians. It is an extremely important question.

The President: I now give the floor to the representative of Bangladesh.

Mr. Mahmood (Bangladesh): Let me begin by congratulating the delegation of the United Kingdom of Great Britain and Northern Ireland on its assumption of the presidency of the Security Council for the month of November, and I thank you, Mr. President, for convening this important meeting.

Civilians continue to suffer the brunt of violence during armed conflicts. It is against that backdrop that Member States of the United Nations pledged in the Millennium Declaration "to expand and strengthen the protection of civilians in complex emergencies" (resolution 55/2, para. 26).

The protection of civilians is a basic principle of humanitarian law. The 1949 Geneva Conventions and their 1977 Additional Protocols contain specific rules for the protection of civilians. In situations that are not covered by those treaties, in particular internal disturbances, civilians are protected by the fundamental principles of humanitarian law and human rights law.

Peacekeeping operations are one of the most important tools available to the United Nations for the protection of civilians in armed conflict. The Security Council's thematic resolution 1894 (2009), as well as its resolutions relating to children and armed conflict and to women and peace and security, the mandating of peacekeeping missions to protect civilians, the adoption of the aide-mémoire on the protection of civilians contained in document S/PRST/2009/1 and the creation of the informal expert group on the protection of civilians, have been important steps forward. However, at the same time, the gap between the words in the protection mandates and their actual implementation still seems to persist. In that regard, my delegation would like to re-emphasize the importance of the principle of the responsibility to protect, as endorsed in the 2005 World Summit Outcome (resolution 60/1), in preventing harm to civilians in armed conflict.

My delegation urges all parties to conflicts to ensure protection of the lives and property of civilians. My delegation condemns all violations of international humanitarian and human rights law and stresses the need to combat impunity, safeguard access for humanitarian assistance and protect the safety of humanitarian aid workers.

My delegation welcomes the latest report of the Secretary-General on the protection of civilians in armed conflict as contained in document S/2010/579. The report highlights three action areas, namely, ensuring a comprehensive approach (ibid., paras. 102-103), ensuring a consistent approach (ibid., paras. 104-105) and ensuring an accountable approach (ibid., paras. 106-110) in order to enhance the protection of civilians.

The vulnerable situation of civilians in post-conflict societies needs special attention. For peace to be sustained, civilian victims must be rehabilitated and reintegrated into their communities more effectively, and the perpetrators must bear the resultant cost.

The presence of uniformed female personnel may play a pivotal role in protecting civilians in armed conflict. I would like to take this opportunity to refer to the efforts of the all-women Bangladesh police contingent working in a peacekeeping mission in Haiti. We believe that a female police force could also play a critical role in a State's ability to protect its citizens.

Finally, we would like to mention what my delegation considers to be two overarching themes for the protection of civilians in armed conflict. The first relates to prevention and the building of a culture of peace. Prevention is at the heart of protection. The preventive capacity of the Organization must be enhanced. At the same time, Member States need to take steps to inculcate the values of peace, tolerance and harmony, which contribute to long-term prevention.

The second theme is that of coordination among all stakeholders. We believe that the protection of civilians is the primary justification for a United Nations presence in the field. My delegation stresses the importance of effective coordination, particularly among the various United nations entities, namely, the Office for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Refugees, the Department of Peacekeeping Operations and the Department of Political Affairs.

In conclusion, my delegation expresses its grave concern over the violations and breaches of international law, including international humanitarian law. For example, the total disregard and rejection of humanitarian and international law and their underlying values shown by the occupation forces in the occupied territories of Palestine for years now is a disgrace to all humanity. My delegation wishes to draw the international community's attention to the fact that the occupying State, as a signatory of the relevant provisions of the Fourth Geneva Convention, which stipulate the responsibilities of an occupying Power, cannot legally or morally absolve itself of its responsibilities to guarantee the basic human rights of the people under its occupation. The occupier State must comply with resolution 1860 (2009). My delegation strongly urges the international community, and in particular the Council, to take effective steps to ensure respect for and compliance with the Geneva Conventions in such a situation.

The President: I now give the floor to the representative of Ghana.

Mr. Christian (Ghana): We thank the delegation of the United Kingdom of Great Britain and Northern Ireland for organizing this important debate. Ghana welcomes the report of the Secretary-General (S/2010/579) and thanks Under-Secretary-General Valerie Amos for her statement this morning. We also acknowledge the Security Council's long-standing commitment to addressing this issue.

Since the Security Council's adoption of resolution 1265 (1999) and other relevant resolutions, the protection of civilians has remained a major issue in the Council's work. While we note the progress made, it needs to be said that events on the ground show that more attention has to be paid, especially as regards the full implementation of the resolutions adopted to protect civilians caught in conflict situations.

Resolution 46/182 adopted by the General Assembly in 1991 places the responsibility for the protection of civilians, first and foremost, with their respective States, which are also expected to facilitate the work of responding organizations in times of conflict. However, it is not unusual to find that the State whose responsibility it is to protect its own populations is the perpetrator of the crimes against civilians. It is thus imperative for the Council to address impunity and ensure compliance with international humanitarian law and improve access for and safety of humanitarian personnel.

Ghana continues to advocate the concept of the responsibility to protect recognized and adopted by world leaders in the 2005 World Summit Outcome Document (resolution 60/1), which was a call to action that emphasized the need for preventive measures and for the delivery of international assistance to States in order to enhance their capacity to fulfil their primary responsibiliiy to protect their own populations against genocide, war crimes, crimes against humanity and ethnic cleansing.

In that regard, on 24 September 2010, Ghana co-sponsored a ministerial meeting on the responsibility to protect under the theme "Fulfilling the responsibility to protect: strengthening our capacities to prevent and halt mass atrocities". What emerged was the clear commitment of participating Member States to prevent and halt atrocious crimes and the need for intervention by the international community. We therefore welcome ongoing discussions within the General Assembly with a view to clarifying and forging consensus on the scope and modalities for the practical application of the responsibility to protect.

We also note with appreciation the Council's commitment to the special protection needs of women and children in armed conflict. In 2008, the Council unanimously adopted resolution 1820 (2008), which for the first time identified as an impediment to international peace and security the use or commission of sexual violence as a tactic of war in order to deliberately target civilians or as a part of a widespread or systematic attack against civilian populations. The Council's intention to consider targeted sanctions and other measures against parties in situations of armed conflict who commit rape or other forms of sexual violence against women and girls was very much welcomed. Regrettably, the Council has yet to designate sanctions for any perpetrators of violence

against women, in spite of widespread reports that much abuse has taken place.

Ghana, which has remained among the top 10 contributing countries in peacekeeping and has also fulfilled its obligations with respect to the ratification of the Additional Protocols to the Geneva Conventions, is particularly concerned about the reported involvement in that regard of peacekeeping and humanitarian personnel deployed by the United Nations to prevent, recognize and respond to sexual violence and other forms of violence against civilians. We urge the Security Council to take a firm stance in ensuring that such perpetrators are appropriately brought to justice.

Ghana remains committed to regional initiatives to deal with the issue of protecting civilians in armed conflict. The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, adopted in October 2009 to promote and strengthen regional and national measures to prevent or mitigate, prohibit and eliminate root causes of internal displacement, is a good case in point. Among other things, member States undertook to prevent violations of international humanitarian law against displaced persons. The African Union's continued presence in Somalia is therefore partly in recognition of that mandate, which requires the continued and increased support of the international community.

In conclusion, Ghana wishes to encourage greater participation by the international community in the work of regional organizations in order to strengthen the capacity of such bodies to enhance their protection of civilians and ability to intervene in conflicts. We also stress the need to prosecute and punish perpetrators as a deterrent to crimes committed with impunity.

The President: I now give the floor to the representative of Azerbaijan.

Mr. Musayev (Azerbaijan): At the outset, I would like to thank you, Mr. President, for organizing this important debate on the protection of civilians in armed conflict. Let me also thank the Secretary-General for his eighth report on this topic (S/2010/579), and Under-Secretary-General Amos for her presentation. Azerbaijan aligns itself with the statement delivered today on behalf of the European Union. I would like to make a few additional remarks in my national capacity.

The attention of the Security Council to the situation of civilians in armed conflict remains vital and must be at the centre of the Council's deliberations and actions. As the Secretary-General pointed out in his report, that is particularly the case in the many protracted violent crises and conflicts with little prospect of a peaceful resolution in the near future.

Indeed, civilians continue to suffer from inadequate protection in situations of armed conflict. A defining feature of most, if not all, conflicts remains the failure of parties to respect and ensure respect for their obligations to protect civilians. The heightened vulnerability of civilians in wartime — in particular that of forcibly displaced persons, refugees, women and children — brings an element of urgency to our protection efforts and to the imperative to restore the rule of law.

Particular consideration must be given to the protection of civilians in armed conflicts aggravated by population displacement and foreign military occupation. There is increased recognition of the need to address the impact of conflict on housing, land and property, in particular in relation to the return of internally displaced persons and refugees.

More focused efforts are necessary to end illegal policies and practices in occupied territories, including forced demographic changes and the destruction and appropriation of historical and cultural heritage, as well as various forms of economic activity that directly affect the property rights of inhabitants who are considering returning to their places of origin.

It is important that the recognition of the right to return, along with increased attention to its practical implementation, be applied by the international community with more systematic regularity, including concrete measures to overcome obstacles that prevent return. Ensuring the right to return is to categorically reject the gains of ethnic cleansing while at the same time offering an important measure of justice to those displaced from their homes and land and deprived of their property, thereby removing a source of possible future tension and conflict.

Azerbaijan is of the view that the lack of agreement on political issues should not be used as a pretext to ignore problems caused by continued and

deliberate disrespect for international humanitarian and human rights law in situations of armed conflict and foreign military occupation. The fact that illegal situations continue because of political circumstances does not mean that they should be tolerated and allowed to continue forever. In that regard, my country considers it important to reaffirm the continued applicability of all relevant norms of international humanitarian and human rights law to such situations in order to invalidate activities aimed at consolidating military occupation, initiate urgent measures aimed at eliminating the adverse effects of such activities and discourage any further practice of the same or similar nature.

The need to enhance accountability for violations of international humanitarian law and human rights law is fundamental to enhancing compliance with international law by parties to conflict is. In that regard it is important to emphasize that ending impunity is essential not only for the purpose of prosecuting those responsible for war crimes, crimes against humanity, genocide or other serious violations of international humanitarian law and human rights law, but also for ensuring sustainable peace, justice, truth, reconciliation, the rights and interests of victims and the well-being of society at large.

Any steps aimed at promoting a culture of impunity — including measures to promote a war of aggression — or to glorify perpetrators of the most serious international offences or promote the odious ideas of racial superiority can contribute to further violations of humanitarian and human rights law, in particular with respect to peoples uprooted from their homes through continued acts of foreign military intervention, aggression or occupation.

The President: I now give the floor to the representative of Armenia.

Mr. Nazarian (Armenia): We also join previous speakers in thanking the Secretary-General for his report (S/2010/579) and his active involvement in addressing this important subject. Armenia aligns itself with the statement made earlier on behalf of the European Union. I would like to make some brief remarks in my national capacity.

The Council has significantly developed its thematic work on the protection of civilians since the last time we held a similar debate (see S/PV.6354). As we mark the first anniversary of the Council's adoption of resolution 1894 (2009), it is important and commendable that this body has continued its practice of holding annual open debates on the protection of civilians featuring briefings by the Under-Secretaries-General for Humanitarian Affairs and Peacekeeping Operations. We were also pleased to hear presentations by the High Commissioner for Human Rights and the Director-General of the International Committee of the Red Cross offering analysis of the Council's actions in recent years and touching upon important developments.

With the adoption of resolution 1894 (2009) exactly a year ago, the Council introduced new provisions focusing on humanitarian access in the implementation of protection mandates in peacekeeping operations. Armenia welcomes the fact that the Council also took several important decisions relating to the protection needs of vulnerable groups during armed conflict, and we are grateful to have had the opportunity to contribute to the debates on children and armed conflict, the protection of civilians, and women and peace and security in June, July and October, respectively.

Today's debate offers another opportunity for the Council to evaluate the progress made on key issues, such as the implementation of resolution 1894 (2009), and to indicate areas where further focus is needed, including the enhancement of compliance with international humanitarian law and the strengthening of accountability for violations thereof. Ensuring such accountability and enhancing compliance with the international legal obligations of parties to conflict should be viewed as key elements of the Council's responsibility to maintain international peace and security. In that context, it is important to improve the use of established sanctions regimes and to implement the binding resolutions that call on all States to adopt national legislation for the prosecution of individuals responsible for genocide, crimes against humanity and war crimes.

In the lessons learned process, this debate should also enable the Council more effectively to address the specific concerns related to the protection of civilian populations. The Council has to send a clear message to all parties to armed conflict, reminding them of their obligations and condemning violations of international humanitarian law.

The concept of the protection of civilians is founded on the universally accepted rules of

humanitarian and human rights law, which are set down in a range of international legal instruments. For that reason, we believe that the Council could more effectively seek thorough compliance by all parties with the norms of international humanitarian law.

The frequency with which the Security Council addresses this issue signifies the urgency of the matter and the need for the international community to fulfil its commitment to protecting civilians. We therefore share the views expressed by Council members and other speakers calling for more systematic attention to be paid to protection. We strongly believe that increased efforts to fight impunity at the national and international levels are essential.

Armenia therefore welcomes the initiative of the United Kingdom to hold this debate, and is committed to working with the Council and other Members on addressing the challenges to the Council's work on the protection of civilians.

The President: I give the floor to the representative of India.

Mr. Manjeev Singh Puri (India): I would like to thank you very much, Sir, for convening today's thematic debate and for reminding us very explicitly of the four-minute rule. I shall try to do my best on that.

I of course express appreciation to the Under-Secretary-General for Humanitarian Affairs, Ms. Valerie Amos, and the United Nations High Commissioner for Human Rights, Ms. Navanethem Pillay, for their briefings. We also welcome the eighth report of the Secretary-General on the protection of civilians in armed conflict (S/2010/579).

India firmly believes that it is the solemn responsibility of the international community to protect civilians and safeguard their human rights. Naturally, this also entails that the peacekeeping missions that we mandate should be adequately resourced. Notwithstanding the development of International humanitarian law, United Nations human rights law and Security Council resolutions and mandates, civilians continue to suffer. Even more unfortunate is the fact that civilians suffer a disproportionate share of casualties as compared to belligerents. It is they who bear the brunt of violence in conflict and post-conflict situations.

Efforts to protect civilians may be hampered by a variety of reasons, such as the unwillingness of parties to a conflict to abide by international humanitarian law, the lack of resources, information gaps, or the lack of understanding about what peacekeepers should and can do to protect civilians. In such a situation, new and innovative approaches are required that are comprehensive in nature. The essential elements of such an approach include, inter alia, strict compliance with and respect for international humanitarian law, human rights law and international law; no impunity; the prosecution of those responsible for committing serious crimes; the development of country context-specific United Nations mandates; the development of requisite benchmarks to assess progress; the predeployment training of troops; and a well-charted mandate, along with appropriate guidelines to guide the mission in its work.

India believes that the primary gap is that of resources. First of all, the number of troops sanctioned for a peacekeeping mission should be such that it is in a position to provide meaningful support to national authorities. Similarly, those responsible for the development of normative frameworks and guidelines for the mission should invariably include the protection of civilians as necessary component.

The roots of peacebuilding go deep into Security Council mandates on peacekeeping. In providing mandates, the Security Council needs to get a clearer idea of operational realities. No achievable mandate can be finalized without the meaningful involvement and substantive consultations with troop- and police-contributing countries. In this context, it is absolutely necessary that unachievable mandates not be generated for the sake of achieving political expediency. Mandates must be driven by national requirements and not by the priorities of others. In working on mandates, emphasis should be on understanding and providing what host Governments require, not an exercise in collating can be given to them.

Another important aspect of the protection of civilians in the armed conflict is the strengthening of national capacities. The protection of civilians is a national responsibility and requires institutions and conditions that are conducive to their functioning. Peacekeepers must be there to aid in the development of these national capacities.

In the view of my delegation, more serious consideration and thought need to go into the manner in which these capacities may be developed. Such capacities and institutions must be relevant to the

realities of the area in which United Nations operations are deployed. In this regard, the experiences and capabilities of developing countries, particularly those that have gone through successful nation-building exercises, would be of immense value. The Security Council must find ways and means to harness these capacities.

The Security Council must also be in a position to give clear policy guidance to the Department of Peacekeeping Operations (DPKO). The independent study commissioned by DPKO last year succinctly stated that the confusion over the Council's intent is evident in the lack of policy, guidance, planning and preparedness. We stand ready and willing to engage in the development of this process.

India is committed to contributing, through its peacekeepers and its national capacities, to the promotion of peace and security and to the role of the United Nations in the protection of civilians in armed conflict. Before I conclude, I must state that the references made to the Indian state of Jammu and Kashmir by the representative of Pakistan were not only untenable, but also had no place in today's debate.

The President: I give the floor to the representative of the Philippines.

Mr. Cabactulan (Philippines): The Philippines is grateful for this opportunity to address the Security Council on today's open debate on the agenda item "Protection of civilians in armed conflict". The Philippines has always considered this issue to be of special importance, taking into account its national and international dimensions. The Philippine Government continues to work seriously to protect civilians in armed conflict not only in its own national territory, but also the overseas Filipino workers who are sometimes caught in fighting in areas of conflict or potential conflict in other parts of the globe. Thus, ensuring their safety is a top priority for the Philippine Government.

I wish to thank the various speakers this morning for their very useful briefings. The Philippines associates itself with the position of the Non-Aligned Movement delivered earlier by the Permanent Representative of the Arab Republic of Egypt.

I wish to commend you, Sir, and the United Kingdom delegation for putting the protection of civilians in armed conflict on top of the Council's agenda. At the same, I commend the United Kingdom for its able and competent chairmanship of the informal Expert Group on the Protection of Civilians since its establishment in January 2009. I also wish to express our appreciation to the Security Council for its consistent and untiring engagement on this issue, both at the thematic level and in country-specific cases, since the adoption of resolution 1265 (1999) in September 1999 — the first resolution on the protection of civilians.

The adoption of resolution 1894 (2009) on 11 November last year once again reinforced the Council's commitment to the protection of civilians by taking concrete steps towards this end by ensuring humanitarian access, providing protection mandates to peacekeeping missions, and recognizing the need for the effective monitoring and reporting of cases.

Despite the advances achieved in recent years, however, more challenges remain to be addressed, as pointed out by the United Nations officials concerned who have shared their insights on this issue. The open debate today therefore provides a good opportunity for us to take stock of the progress made on key issues and come up with new approaches to resolve them.

In recent years, the various reports and recommendations on the protection of civilians caught in armed conflict have given us a good panoramic view of the problems associated with this issue. Among the relevant recommendations are the need to include the protection of civilians in any conflict-resolution strategy, improving humanitarian access, the role of United Nations peacekeeping and other relevant missions in the protection of civilians and the establishment of commissions of inquiry to reinforce accountability.

The Philippines has taken those recommendations into account. In fact, we have taken appropriate measures to integrate them in the implementation of our national policies and work plan. I am therefore pleased to inform the Council of the following concrete steps that the Philippines has taken.

First, as the Philippine Government continues to engage in peace talks with the Moro Islamic Liberation Front and the New People's Army, it has also taken every measure to ensure that, until lasting peace is achieved, civilians are properly protected and those who commit violence and wrongdoing against them are held accountable.

Secondly, the Philippines has consistently called for a system-wide approach where the work of United Nations bodies — namely, that of the Security Council, the General Assembly and the Economic and Social Council — on this issue is effectively integrated into the work of other entities, specialized agencies and, in applicable cases, non-governmental organizations and civil society.

Thirdly, the Philippines has supported a more proactive approach through concrete efforts to protect civilians in the face of imminent conflict. This proactive way of protecting people will save more lives and reduce their vulnerability to the grim consequences of conflict. In that regard, the Philippines actively provides protection during armed conflict, especially to women and children, who are the most vulnerable segment of society.

I cannot overemphasize the commitment of the Philippine Government to ensure the protection of civilians caught in armed conflict. We have put in place mechanisms for investigation and prosecution to deal with such cases. In that context, the Philippines enacted a new law in December of last year, namely, Republic Act No. 9851 — the Philippine law on crimes against international humanitarian law, genocide and other crimes against humanity — which mandates the protection of civilians and provides for the criminal and administrative liability of commanders and other superiors under the principle of command responsibility.

I would also like to assure Council members that the new Government of President Benigno Aquino III continues to adopt measures and implement good practices on the protection of civilians as a matter of priority.

In conclusion, the Philippines strongly believes that a culture of protection of civilians can be truly instilled if there is genuine domestic ownership of a culture of protection. In that regard, the Philippines will continue to work with the United Nations to promote and strengthen this culture of protection, which is actually rooted in the sanctity of human life and respect for the human rights of every person on the planet, especially in conflict areas.

The President: I now give the floor to the representative of the Sudan.

Mr. Osman (Sudan) (*spoke in Arabic*): At the outset, I should like to associate my delegation with the statement delivered by the representative of Egypt on behalf of the Non-Aligned Movement.

Eleven years have passed since the Secretary-General submitted to the Security Council his first report (S/1999/957) on the protection of civilians in armed conflict. We continue to have high hopes that the Council's ongoing deliberations on this issue will lead to a comprehensive approach and far-reaching objective vision on the best means to protect civilians. My delegation believes that first and foremost in that effort should be the elimination of the root causes of armed conflict. Avoiding the causes of conflict and supporting lasting and comprehensive political settlements are the best guarantees for ensuring the protection of civilians. Protection is always more effective than the cure.

The recommendations of the Secretary-General in his various reports on this issue have focused on the need to reactivate and improve the capacities of United Nations peacekeeping operations with regard to the protection of civilians. However, realities on the ground and practical experience in many countries have clearly confirmed that, in the absence of any peace to be kept, peacekeeping missions will not achieve the desired goal, regardless of the level of their capacity to protect.

The enjoyment of peace by all is what primarily protects civilians. That includes the speedy implementation of development, economic recovery and reconstruction programmes, as well as programmes for disarmament, demobilization and reintegration, the provision of services and quick-impact projects to ensure stability and the speedy resettlement of returnees. Peace also guarantees that civilians can leave refugee camps and return to their homes to resume ordinary lives.

Against that backdrop, peacebuilding must be the primary priority and concern of the United Nations, which should not be distracted from it by dealing with other symptoms of conflict. Moreover, I wish to reiterate that we must take advantage of regional organizations with proven ability and capacity to build and maintain peace, given their direct link to the causes of conflicts and their comprehensive understanding of them. In that regard, I would also like to point to the decisions taken at the meeting organized by the Office for the Coordination of Humanitarian Affairs in Dakar in April 2007 on the role of regional organizations in

the protection of civilians and on peacebuilding overall.

The principle of protecting civilians in armed conflict is a noble one to which we all aspire. However, we are concerned by attempts by some countries to utilize that goal to serve particular political aims, such as the ongoing campaign on the so-called responsibility to protect. In that regard, I would like to reiterate that, although referred to in the 2005 Summit Outcome, the responsibility to protect is still the subject of divergent interpretations on the part of Member States. In that connection, we must bear in mind the established principles of the Charter of the United Nations vis-à-vis the sovereignty and legitimacy of Member States and their full responsibility for the protection of their citizens.

I would also like to note that the right to protect civilians in armed conflict is but one aspect of an integrated and interconnected system of rights and duties, as reaffirmed by the 2005 Summit Outcome. The main thrust of the Summit was to follow-up the implementation of the Millennium Development Goals, foremost among which are development, combating poverty and preventing conflicts by dealing with their root causes. The protection of civilians must therefore take place in the context of a comprehensive and integrated approach that is primarily focused on dealing with the root causes to conflict from the earliest stages, with the Security Council playing an active role in leading and supporting efforts at political mediation, reconciliation and compromise. That should be complemented by a parallel role for the United Nations Secretariat and its agencies vis-à-vis humanitarian considerations and promoting economic growth, recovery and sustainable development. In particular, donors should honour their development pledges.

Ultimately, the protection of civilians is the responsibility of individual States themselves. Therefore, we should improve the capacities of the concerned States so that they can assume their responsibilities ably, rather than weaken those capacities through sanctions, despite the fact that those who support sanctions try to portray them as either smart or targeted or by using other evasive descriptions. None of those descriptions alter the reality that sanctions cause undeniable harm to the ordinary people of the country targeted.

In its section II, the report of the Secretary-General mentions attacks on humanitarian workers in Darfur, including incidents of kidnapping, robbery and the looting of assets and mobile units. While we share the Security Council's concern over this phenomenon, we would also like to draw members' attention to the fact that the perpetrators of such attacks are most likely members of armed rebel movements and gangs of thieves and bandits affiliated with the rebels, or of a number of groups that are offshoots of the armed rebel movements, which carry out these robberies and attacks in order to fund and provision their members and to destabilize the situation throughout Darfur in order to send a deceptive message to the international community, as is currently the case.

We believe that the personnel of humanitarian agencies and organizations have a primary responsibility to coordinate with local authorities before going to any areas to which they want to deliver aid so that the Government can offer them the necessary protection. We have recently noticed that many humanitarian workers do not abide by safety procedures or coordinate with the authorities, making them vulnerable to such attacks. Allow me to provide two striking examples of this. Humanitarian workers in Darfur have agreed with us to abide by three rules, one of which is to put insufficient fuel in their vehicles so that car thieves cannot drive them to distant locations. However, humanitarian workers have not followed this advice. That is the first example. Another point that we agreed upon was that they would lock their vehicles when they parked them, but they continue not to do so, which has encouraged many rebels to take advantage of their lax behaviour. These workers are often the personnel of United Nations agencies. Therefore, we want to reaffirm the need to abide by safety measures and to coordinate with the authorities, which would greatly reduce the robberies and attacks against vehicles and minimize the kidnapping of humanitarian workers.

In closing, we confirm the need to adopt a comprehensive approach that would deal primarily, without selectivity or discrimination, with the root causes of conflicts in addressing the protection of civilians in armed conflict. We also affirm the need for the Security Council to demonstrate in practical terms the extent of its support for the protection of civilians in armed conflict by supporting comprehensive political settlements of conflicts. The Security Council

must support all mediation efforts in order to resolve conflicts and address their root causes and motives.

The President: I now give the floor to the representative of Uruguay.

Mr. Cancela (Uruguay) (*spoke in Spanish*): At the outset, I would like to express my appreciation for the constructive work that your delegation, Mr. President, has been doing to advance the subject that we are discussing today.

The delegation of Uruguay welcomes the significant progress that has been made since the last report of the Secretary-General (S/2009/277), which helps in various ways to improve the situation of civilian populations in armed conflict. This includes the entry into force of the Convention on Cluster Munitions in August; the progress made at the Review Conference of the Rome Statute in extending criminal individual responsibility to various circumstances; recent developments with regard to the prevention of genocide and other mass atrocities; and, in general, the important normative progress made at Headquarters with regard to various areas that pertain to innocent civilians, particularly the most vulnerable, such as women and children.

Despite this progress, Uruguay believes that there is a wide gap between the legal developments that have taken place in recent years with regard to the protection of civilians in armed conflicts, and the real situation of civilian populations affected by such conflicts, including in those places where the United Nations is represented by peacekeeping operations.

This is why we can only endorse the approach suggested by the Secretary-General that we concentrate on making a tangible difference on the ground and take into particular account the situation as it is experienced before we make critical decisions with regard to the future of the United Nations presence on the ground. On the one hand, we should avoid the premature withdrawal of missions when we have yet to effectively stabilize the security conditions. On the other hand, we must reconcile this with the principle of the consent of the host State, which has the primary responsibility to provide such protection — a crucial aspect that constitutes one of the pillars of the legitimacy of this system and sets it apart from other alternatives. The existence of realistic indicators, based on the well-being of the population and prepared using the input of the stakeholders involved, could be an important step forward in this regard.

There is a world of difference between the will of the Council and the effective implementation of protection, not only in terms of the geographic separation between Headquarters and the areas of conflict, but also because of the lack of understanding and coordination that may exist between those who establish mandates and those who implement them, given the difference between our desires and expectations here and the reality of scarce resources and wide-ranging difficulties on the ground. For this reason, which we perceive primarily from our perspective as a contributor of troops and police, our country has attempted to play a constructive role at Headquarters, particularly in the General Assembly, which is the body that represents us, with the aim of bringing those who establish mandates and those who implement them closer together in order to reach the broadest possible consensus on these issues.

In this regard, we believe that we should recognize the valuable progress that has been made over the past two years in the Special Committee on Peacekeeping Operations. It is in our interest to continue working constructively along these lines. To that end, on 6 December, together with the Mission of Australia, we will organize a third workshop on the protection of civilians in peacekeeping operations. This time, we will focus on the strategic framework for the protection of civilians, as called for last March by the Special Committee.

Finally, my delegation stresses the importance of all parties in all situations preserving, strengthening and complying with the standards of international humanitarian law in order to ensure full respect for the principles of humanity, neutrality, impartiality and independence, as well as the absolute necessity of facilitating access for humanitarian workers and of ensuring adequate security for the fulfilment of their tasks. In this regard, dialogue with armed non-State groups should not be understood as a legitimization of such groups; rather, it should be sought in order to foster their understanding of and respect for international humanitarian law.

Similarly, we reiterate that all humanitarian responses must be sustainable and take the development perspective into account so as to ensure the required capacity-building at the national level in this critical area. Uruguay believes that the protection

of civilians in armed conflict is a multidimensional issue that feeds and is fed by other different but linked issues, such as children in armed conflict and women and peace and security, among others. For that reason, it is critical to maximize coordination, produce synergies, avoid duplication of efforts and make the most effective use possible of the means at this Organization's disposal on the ground.

The President: I now give the floor to the representative of the Bolivarian Republic of Venezuela.

Mr. Valero Briceño (Bolivarian Republic of Venezuela) (*spoke in Spanish*): Allow me to express on behalf of the Government of the Bolivarian Republic of Venezuela our gratitude for the opportunity to participate in this debate. My delegation aligns itself with the statement made by the Permanent Representative of Egypt on behalf of the Non-Aligned Movement.

No one can dispute the need to protect all vulnerable civilians from the effects of armed conflict, pursuant to the relevant instruments of international law, international humanitarian law and, in particular, the Geneva Conventions and their Additional Protocols. Those instruments should be applied equally to all cases involving threatened civilian populations, ensuring full transparency in the application of the law and eliminating the ongoing impunity of those States whose aggressions against unprotected civilian populations have been condoned for too long.

The protection of civilians in the context of peacekeeping operations is one of many tasks established in Security Council mandates. It is related to other equally important tasks and its implementation is viable only within the regulatory framework that sets out the guiding principles for such operations: the consent of the parties, impartiality and the non-use of force. The protection of civilians cannot be conducted outside the political and legal bases accepted by States. A successful strategy for the protection of civilians demands that the root causes of conflict be systematically addressed through actions that have a positive impact on development and using appropriate channels for the peaceful resolution of disputes.

As established in international law, States or parties to a conflict have the primary responsibility for the protection of civilians under the Fourth Geneva Convention. Peacekeeping operations are in certain limited cases assigned the task of protecting physical well-being in situations of imminent danger to life, always within the ground deployment of a mission and when required to facilitate humanitarian aid.

We note the significant risks inherent in any initiative that seeks to operationalize the protection of civilians, especially in the light of the coexistence of divergent, mutually exclusive conceptual approaches to the problem and of the individual nature of each armed conflict. In this context, the issue of civilian protection forces us to reiterate the questions formulated in 2005 by President Hugo Chávez during the discussions on the responsibility to protect, which have yet to be answered. Who defines — and how — what is necessary to protect civilians? What is the body responsible for identifying the potential players — "spoilers" — threatening the fulfilment of the mandate? Finally, what risks do these issues present for the impartiality of a peacekeeping mission? It is necessary for the Member States to deliberate these issues in the General Assembly as a basic prerequisite for progress in the formulation of policies that bring about genuine and broad consensus.

The President: I now give the floor to the representative of Morocco.

Mr. Loulichki (Morocco) (*spoke in French*): My delegation's participation in this debate on the protection of civilians in armed conflict is based on the importance that my country attaches to this goal and on its commitment, alongside the United Nations, to ensuring its implementation.

Immediately after having suffered the horrors of the Second World War, the international community established important legal standards to protect civilians affected by armed conflict. These include the Geneva Conventions of 1949, the Convention Relating to the Status of Refugees and various international human rights instruments, whose main objective is to spare civilian populations from suffering, especially women, children and the elderly. For over 11 years, the Council has addressed this issue and has thus enriched the debate and created worldwide support for a sustained and concerted effort of the international community on the issue.

Despite this progress, we are unfortunately forced to note that civilian populations continue to be the first victims of armed conflict. That reality requires all parties to armed conflict to abide by international law and refrain from any actions that cause harm to

civilians. The report of the Secretary-General (S/2010/579) pursuant to resolution 1894 (2009) notes a number of positive international developments as well as the many challenges that remain.

My delegation associates itself with the statement made by the Permanent Representative of Egypt on behalf of the Non-Aligned Movement. We would, however, like to address some aspects of the issue under consideration.

The best way to protect civilians in armed conflict is to prevent conflicts from erupting and to find lasting solutions to those that exist. In many situations, it is important that the parties involved demonstrate the political will and resolve necessary to finding lasting compromise solutions to end the suffering of affected populations. Neighbouring States — which, in a number of cases, are parties, in name or in fact, to conflict — must act responsibly to that end.

The Security Council and the international community must support parties in this process by creating conditions conducive to putting an end to these conflicts. Primary responsibility, however, falls on the nation State to protect its citizens and other peoples living in its territory. It should do so, of course, in adherence to current international obligations, rules and laws.

We commend the Council's efforts to provide greater assistance to populations at risk. These efforts are strengthened by the mandate of the Special Representative of the Secretary-General for Children and Armed Conflict and on Sexual Violence in Conflict. The effective implementation of resolution 1325 (2000) will undoubtedly help us to provide better protection for women. Similarly, the fight against the use of child soldiers must remain a priority of the international community.

Refugees are the very first to suffer from the eruption or continuation of conflicts. Host States have the obligation to ensure that they fully enjoy their rights, including the right of return. In protecting refugees, it is vital that the humanitarian and civilian nature of refugee camps not be compromised by the presence of armed elements and that refugees be able to exercise their right of voluntary return in security and dignity. Finally, in meeting the needs of refugees while protecting them, they must be counted and registered without delay. This is a primary, essential and inescapable obligation.

My delegation strongly condemns all attacks on humanitarian personnel and convoys and calls for their protection. We equally condemn the diversion by a number of armed groups of humanitarian assistance, which, rather than reaching the populations in need, serves to enrich the leaders of these groups, who must be held accountable by the international community as perpetrators of serious violations of international humanitarian law.

As the Secretary-General underlines, the proliferation of non-State armed groups has exacerbated the difficulties involved in protecting civilians. When these groups violate international law, they must be brought to justice by the international community. In addition, humanitarian agencies must ensure that humanitarian work is not used by these groups for political ends.

My country urges the international community to confront the excessive accumulation of small arms and light weapons, whose devastating effect on the civilian population has been clearly demonstrated. These arms often constitute a genuine threat to the peace and security of entire regions when they are trafficked and used by terrorist groups to attack innocent persons and threaten States and groups of States.

In conclusion, I would like to state that, beyond United Nations actions to restore and build peace, preventive diplomacy and early warning systems remain important tools available to the Security Council for the peaceful settlement of disputes, the de-escalation of emerging crises and the prevention of the return of conflict. They should be used more often and systematically so as to have a palpable impact on hotbeds of tension throughout the world.

The President: I now give the floor to the representative of Colombia.

Mr. Osorio (Colombia) (*spoke in Spanish*): Allow me to congratulate you, Mr. President, on your assumption of the presidency of the Security Council for November and for your initiative to convene this debate.

I would also like to thank the Under-Secretary-General for Humanitarian Affairs, the Under-Secretary-General for Peacekeeping Operations, the High Commissioner for Human Rights and the Director-General of the International Committee of the Red Cross for their briefings, which are of great importance and help to shed light on our debate.

I would like to emphasize the resolve and commitment of the Government of Colombia to protect civilians in armed conflicts and to guarantee their rights throughout the world. We are convinced that respect for the life and integrity of all people is the foundation of democracy. At his recent inauguration, President Juan Manuel Santos underlined that respect for these commitments reflects the most important democratic, ethical and human convictions.

The Government and Congress of my country are currently drafting three bills with a view to continue strengthening the State's institutional capacity and promoting the social and economic prosperity of our people. These bills address the issues of victims and land restitution, royalties from natural resources, and corruption.

The State has the primary responsibility to protect civilians in armed conflict. Respecting this principle is essential to strengthen the State's capacities and to identify long-term solutions, with the cooperation of the international community, when required. Our own experience has shown that strong democratic institutions help to achieve the goals of progress and overall well-being. This has been shown by the results obtained in Colombia in recent years.

The Secretary-General's report (S/2010/579) is an important contribution to the intergovernmental consultations taking place in the General Assembly and the Security Council on the protection of civilians. We reiterate that the analyses conducted and actions adopted should take place in observance of the United Nations Charter, international and national law, and in the framework of the principles of neutrality, impartiality, humanity and independence. Special attention should be paid to holding consultations with the Governments of concerned countries and to recognizing the specificities of each case under consideration.

Regarding observations concerning the possible engagement of humanitarian actors with illegal armed groups, my Government reaffirms that such engagement must enjoy the explicit consent of the concerned State and comply with national and international humanitarian law. The lack of information on and knowledge of specific realities on the part of international actors could have a negative impact on the actual protection of civilians.

My delegation wishes to emphasize the need to establish effective controls over the illicit traffic in small arms and light weapons as a key element for better protection of the civilian population. Today in Bogota, a parliamentary forum on small arms and light weapons will be attended by parliamentary representatives of 50 countries, who will discuss the threat posed by the proliferation of such weapons to development, democracy and security in many parts of the world.

Colombia reaffirms its commitment to the Cartagena Action Plan adopted at the Second Review Conference of States Parties to the Mine Ban Convention in December 2009. Colombia also supports the initiative of the Secretary-General concerning the establishment of indicators for assessing progress in protecting civilians in the context of peacekeeping operations. This initiative should be developed taking into consideration each operation's mandate and should not be based on theoretical formulas looking for universal solutions. My delegation will participate actively in the discussions on this matter and will contribute to its advancement in the various organs and entities of the United Nations.

The President: I now give the floor to the representative of Botswana.

Mr. Ntwaagae (Botswana): My delegation associates itself with the statement made to the Security Council by the Permanent Representative of Egypt on behalf of the Non-Aligned Movement.

Botswana attaches great importance to the protection of civilians in armed conflict and, in this connection, welcomes your initiative, Mr. President, to hold this open debate. Let me also commend you for inviting representatives of international humanitarian organizations and other players who have assisted in enriching today's debate.

Botswana appreciates the thorough and comprehensive report of the Secretary-General on the protection of civilians in armed conflict, dated 11 November 2010 (S/2010/579). We note the chilling message contained therein, to the effect that "Whether as the intended targets of attack or the incidental victims of the use of force, civilians continue to account for the majority of casualties in conflict" (*ibid., para. 3*).

Given this account, my delegation believes that Member States of the United Nations, and particularly members of the Security Council, should ensure that

the issue of protection of civilians in armed conflict remain high on the agenda of the United Nations, because attacks on civilians in theatres of armed conflict are in violation of the Charter of the United Nations, international law, international humanitarian law and international human rights law.

My delegation also agrees that while significant advances have been made in the past decade to develop a comprehensive policy and an institutional framework for the protection of civilians in armed conflict, and that while such discussions continue, urgent measures should be taken to stem the tide of human rights violations on the ground.

My delegation calls for an end to actions that harm innocent civilians in conflict situations, including the use of civilians as human shields, the obstruction of humanitarian operations, the theft of humanitarian supplies and plundering of other resources, the use of murder and maiming as instruments to terrify civilian populations, and the use of rape as a weapon of war.

Botswana notes with appreciation the recommendations contained in the report of the Secretary-General and finds them to be a useful framework for guiding the actions of concerned parties in addressing the core challenges, which are: compliance with international law by parties to a conflict, the protection role of United Nations peacekeeping missions, humanitarian access, and accountability for violations of international law. Botswana believes that those recommendations should be assessed with a view to arriving at improved practical solutions for the work of the Council as well as peacekeeping and humanitarian operations.

We are pleased, Mr. President, that you have convened this open debate on a subject which, due to the protracted nature of many conflicts, may very easily receive reduced attention over time. It is very important that the ideas generated during today's debate be allowed to feed into the reassessment of practices in the areas stipulated, and I wish to assure you of my delegation's continued interest and full support in that regard.

Finally, Botswana welcomes the presidential statement (S/PRST/2010/25) adopted today.

The President: The representative of Lebanon has asked for the floor to make a further statement. I now give him the floor.

Mr. Karanouh (Lebanon) (*spoke in Arabic*): One of today's speakers claimed to care for Lebanese civilians. What is worse, that party continues not only to occupy Arab land but also to exercise aggression against its neighbours. It continues to challenge the resolutions of this Council and the provisions of international law and international humanitarian law and to violate the Geneva Conventions, especially by indiscriminately attacking, killing, besieging and displacing innocent civilians, not sparing civilian facilities from its bombings and destruction.

The President: Under-Secretary-General Amos has asked for the floor to respond to comments and questions raised. I now give her the floor.

Ms. Amos: In the interests of time, I will not respond to all of the detailed points that have been made, but I can reassure Council members that I have taken note of them. I would, however, like to respond to some of the recurring themes raised during the debate.

First, I welcome the support expressed for the informal Expert Group and the interesting proposals from a number of States to expand its use and increase its utility to the Council. I also welcome today's adoption of the updated aide-memoire (S/PRST/2010/25, annex).

I am encouraged that the majority of speakers have referred to the core challenges that we face in enhancing the protection of civilians and the need to redouble our efforts in that regard.

Many speakers have underlined the need for compliance by parties to conflict with their obligations to protect civilians and the significance, in that respect, of ensuring the accountability of those who violate the law. Attention has been drawn too to the importance of safe, timely and unimpeded humanitarian access to those in need.

I welcome the focus on compliance and access. However, if we are to succeed in improving both, humanitarian actors must be able to engage with non-State armed groups. A small number of States have expressed the concern that humanitarian engagement may afford such groups legitimacy. That is not supported by our experience. Only through engagement can we promote and seek improved protection for civilians and have consistent and safer access to those in need.

I also took note of the support for improving monitoring against established benchmarks and indicators. I consider that a key gap in more successful implementation of protection measures on the ground and in reporting progress made in protecting civilians. I will report back to the Council on that in my next report.

Some speakers have raised concerns over the inclusion of certain situations in the report of the Secretary-General and their characterization as situations of armed conflict. Whether a situation constitutes armed conflict is determined by the facts on the ground. It is determined on the basis of criteria developed in the jurisprudence of international tribunals. Such a determination does not affect the legal status of the parties involved; it does not equate the parties in any way. And it should not be seen as judging or condemning the conduct of the parties. It is also completely separate from the determination of whether the use of force is legal and whether the actions of the parties comply with international humanitarian law and human rights law.

Finally, reference has been made to the nature of contemporary conflict marked by the struggle against non-State armed groups in so-called asymmetric warfare. I acknowledge the complexity of those challenges and would emphasize that international humanitarian law is no less relevant in those contexts.

The law is very clear: all parties to conflict must at all times take the necessary steps to spare the civilian population and distinguish at all times between civilians and combatants. Moreover, violations by one party, including non-State parties, do not permit or justify violations by any other party to that same conflict. Indeed, the nature of contemporary conflicts and the increasing prevalence of conflict in densely populated settings require ever more vigilance from the parties and determined efforts to respect and to ensure respect for their obligations under the law.

I look forward to working with the Council in the coming years in addressing protection-of-civilians concerns and issues relating to humanitarian action more broadly, as well as working with individual Member States. I also look forward to continuing the practice of bringing particular situation-specific concerns to the attention of the Council following my country missions.

The President: I thank Under-Secretary-General Amos for her clarifications in response to the comments by Member States and other participants.

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 6 p.m.